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SUMMARY RECORD OF THE 36th MEETING

Chairman: Ms. COOMBS (New Zealand)

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The meeting was called to order at 10.25 a.m.

AGENDA ITEM 94: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/C.3/45/L.26, L.28, L.32, L.35)

Draft resolution A/C.3/45/L.26

1. Mr. MORA (Cuba) introduced draft resolution A/C.3/45/L.26 on behalf of the sponsors, who had been joined by Benin, Guinea, Guyana, Mali, Peru and Yemen. The draft resolution reflected the sponsors' belief that a global approach must be taken to the issue of human rights and that in order for the United Nations system to improve its work in that area, a set of norms and principles must be developed that would take into account the current world situation.

Draft resolution A/C.3/45/L.28

2. Ms. ILIC (Yugoslavia), introducing draft resolution A/C.3/45/L.28, said that the name of Hungary should be deleted from the list of sponsors and that Jamaica, Lesotho, Mali, Vanuatu, Viet Nam and Zimbabwe should be added.

3. She said that the following revisions should be made in the text of the draft resolution in order to bring it into line with Commission on Human Rights resolution 1990/18 and the recommendations made by the Global Consultation on the Realization of the Right to Development as a Human Right: in paragraph 1, after the words "takes note", the words "with interest" should be added. In paragraph 3, the words "setting up" should be deleted. In paragraph 4, the words "of the Secretariat" and "and enhance" should be deleted. In paragraph 6, the words "and monitoring" should be deleted.

4. The sponsors were still holding consultations regarding some suggestions on the text. They were confident that the consultations would be successful so that the draft resolution could be adopted without a vote.

Draft resolution A/C.3/45/L.32

5. Mr. WALLDROP (United States of America), introducing draft resolution A/C.3/45/L.32, said that, after the words "national level", a comma and the words "consistent with national policies" should be added. The draft resolution adopted a balanced and comprehensive approach to the issue of respect for the right of everyone to own property alone as well as in association with others, which was important for its own sake and for the sake of all human rights and fundamental freedoms. The sponsors hoped that it would receive unanimous support.

Draft resolution A/C.3/45/L.35

6. Mr. STUART (Australia), introducing draft resolution A/C.3/45/L.35, said that Costa Rica, Greece and the United Kingdom should be added to the list of sponsors.

(Mr. Stuart, Australia)

The text followed closely the language and spirit of recent resolutions of the General Assembly and the Commission on Human Rights.

7. With regard to paragraph 4, he said that it was the sponsors' intention that the production of audio-visual materials should be accommodated in the programme of work of the Department of Public Information as opportunities arose, and that the progress report should form part of the report to be submitted to the Commission on Human Rights. The sponsors hoped that the draft resolution would be adopted by consensus.

8. Mr. GROLIG (Germany) said that his delegation wished to join the sponsors of draft resolution A/C.3/45/L.35.

AGENDA ITEM 95: NEW INTERNATIONAL HUMANITARIAN ORDER (continued) (A/C.3/45/L.27, L.31 and L.34)

9. Mr. BOUTET (France), introduced draft resolution A/C.3/45/L.27 and said that the names of Chile, Lesotho, Mali and Suriname should be added to the list of the sponsors. The draft resolution recalled the fundamental principles set forth in General Assembly resolution 43/131, reaffirmed the cardinal importance of humanitarian assistance for the victims of natural disasters and similar emergency situations and the primary role of affected States, and took into account the fruitful and in-depth consultations held on that question in the past two years. After drawing attention to specific operative paragraphs, he read out the following revisions of the text. In the fifth line of paragraph 6, the words "Governments and the" should be replaced by the words "affected Governments and the Governments and". In the fifth line of paragraph 8, the word "similar" should be inserted after the word "or" and the words "the basis of the report of the Secretary-General and" should be inserted after the word "on".

10. The sponsors considered that the adoption of the draft resolution would make it possible to meet a basic concern of the international community and promote consideration of a number of questions, particularly those relating to relief corridors. It was hoped that the draft resolution could be adopted by consensus.

Draft resolution A/C.3/45/L.31

11. Mr. AL-HASSAN (Jordan), introducing draft resolution A/C.3/45/L.31, said that Lesotho should be added to the list of sponsors. The draft resolution stressed the need for continued efforts to be made by the international community to promote a new international humanitarian order. The sponsors hoped that it would be adopted by consensus.

Draft resolution A/C.3/45/L.34

12. Mr. KHODAKOV (Union of Soviet Socialist Republics), introducing draft resolution A/C.3/45/SR.34 on behalf of the sponsors, said that it was based on the premise that co-operation in solving international humanitarian problems was one of the purposes of the United Nations without which it would not be possible to

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(Mr. Khodakov, USSR)

establish an international order in which universally recognized human rights and fundamental freedoms could be fully realized. Through dialogue, and by implementing specific projects, it would be possible to identify humanitarian problems of the highest priority and attempt to formulate a concept of international humanitarian co-operation and a strategy to solve those problems.

13. Accordingly, the draft resolution called upon Governments and intergovernmental and non-governmental organizations to exchange information and experience in solving humanitarian problems and to promote effective bilateral dialogue in that field. It was hoped that the draft resolution would be adopted without a vote.

AGENDA ITEM 100: CRIME PREVENTION AND CRIMINAL JUSTICE (continued) (A/C.3/45/L.23, L.29, L.30, L.33)

Draft resolution A/C.3/45/L.23

14. Mr. COTTAFAVI (Italy) introduced draft resolution A/C.3/45/L.23, which expressed deep appreciation to the Government and people of Cuba for acting as host to the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. He hoped that the draft resolution would be adopted by consensus.

Draft resolution A/C.3/45/L.29

15. Mr. FONTAINE-ORTIZ (Cuba) introduced on behalf of Italy and his own country draft resolution A/C.3/45/L.29 on the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. The Eighth Congress had marked a further milestone in the search by the international community for effective measures to combat crime. The draft resolution recognized the importance of the link between the crime prevention and the promotion of development, and set forth a number of practical measures to be taken by the international community in accordance with the resolutions and recommendations of the Congress. Consultations on the draft resolution had already been initiated and his delegation hoped that it would be adopted by consensus.

Draft resolution A/C.3/45/L.30

16. Ms. ILIC (Yugoslavia) introduced draft resolution A/C.3/45/L.30 on criminal justice education and pointed out that Argentina and Zimbabwe should be deleted from the list of sponsors and that Cuba had joined the sponsors. The text recommended a number of measures to Member States and to the Secretary-General aimed at ensuring the implementation of United Nations guidelines and observance of human-rights standards in the field of criminal justice. The sponsors hoped that the draft resolution would be adopted without a vote.

Draft resolution A/C.3/45/L.33

17. Mr. MALGINOV (Union of Soviet Socialist Republics) introduced draft resolution A/C.3/45/L.33 on international co-operation in combating organized crime and said

(Mr. Malginov, USSR)

that Costa Rica had joined its sponsors. The decisions concerning organized crime taken at the Eighth Congress were particularly timely in view of the spread of organized crime throughout the world. The draft resolution, inter alia, requested the Committee on Crime Prevention and Control to consider ways of strengthening international co-operation in combating organized crime. The sponsors hoped that, as in the past, the draft resolution would be adopted without a vote.

AGENDA ITEM 89: EFFECTIVE IMPLEMENTATION OF UNITED NATIONS INSTRUMENTS ON HUMAN RIGHTS AND EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO SUCH INSTRUMENTS (continued) (A/45/3, chap. V, sect. A, A/45/205, 207, 216, 222, 227, 230, 264-267, 269, 270, 272, 280, 636, 668, 707)

AGENDA ITEM 93: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS (continued) (A/45/3, chap. V, sect. A, A/45/580)

AGENDA ITEM 97: IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD (continued) (A/45/202, 222, 265, 269, 473)

AGENDA ITEM 105: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (continued) (A/45/3, chap. V, sect. A, A/45/40, 174, 178, 403, 597, 598, 657; E/1990/23)

AGENDA ITEM 106: ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE (continued) (A/45/205, 222, 225, 265, 270)

AGENDA ITEM 109: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (continued) (A/45/44 and Corr.1, A/45/189, 205, 207, 216, 225, 227, 230, 254, 264, 266, 280, 405, 615, 633)

AGENDA ITEM 110: ENHANCING THE EFFECTIVENESS OF THE PRINCIPLE OF PERIODIC AND GENUINE ELECTIONS (continued) (A/45/202, 203, 205, 207, 225, 227, 230, 254, 264-267, 269, 270, 272, 280, 626)

18. Mr. CHAN (Singapore), speaking on item 106, said that, having a heterogeneous society, Singapore knew that constant vigilance and proper management of racial and religious relations were needed to maintain social harmony. It was not always easy to separate religion from politics, and serious efforts must be made to encourage the acceptance of such separation, since religious subjects were sensitive and could touch off deep and divisive conflict. In Singapore, where race coincided with religion, 76 per cent of the population were Chinese and Buddists, 15 per cent were Malay and Muslim and 7 per cent were Indian, mainly Hindus and Sikhs. There were also many Christians of different denominations. In spite of the diversity of religions, Singaporeans had managed to co-exist in peace and harmony because of the long-established strategy of accommodation in the management of ethnic and religious relations. Singapore was a secular society in which all religions and ethnic groups enjoyed equal status and recognition under the Constitution and where all the different religious festivals were celebrated.

(Mr. Chan, Singapore)

19. However, years of freedom and harmony had not lulled religious leaders and groups into believing that that was the natural order of things. Racial and religious strife elsewhere in the world showed that conditions could change overnight. The religious groups had to practise tolerance and accommodation and the State had an important role of arbitration to play when conflict threatened. Developments throughout the world amply demonstrated that religious and ethnic harmony were products of political conditions, and political authorities were responsible for establishing conditions that encouraged trust. So far, all groups had shown great patience and understanding: for example, the Muslims had responded to the Government's request not to use the public address system for their call to prayer, and some Christians had been advised to be less zealous in their evangelist activities. With the recent world-wide increase of interest in religion, there were potential sources of religious conflict in Singapore which had to be checked, such as the marked increase in religious fervour, over-zealous evangelism, and the increasing political activism of religious groups.

20. The Singapore Constitution guaranteed the right to profess, practise and propagate religion. Religion was taught in schools and students were free to choose which religion they studied. But such freedom was not unlimited and carried responsibilities. Preaching should not denigrate other religions or their followers, religion should not be propagated with force, and people of other faiths should not be harassed. The right to propagate religion must be exercised with restraint.

21. The Maintenance of Religious Harmony Bill now before Parliament, which was designed to prevent inter-religious conflict, would empower the Government to take action against any person who incited his congregation or followers against another religious group; and would provide for the establishment of a presidential council to moderate relations between religious groups and advise the Government on dealing with sensitive religious issues. The Council would include representatives from all major religious groups and its main objectives would be to maintain harmony among different religious groups and to prevent them from getting embroiled in politics and political parties from exploiting religion.

22. The Singapore Government had always regarded religion as a source of spiritual strength and moral guidance for the people, teaching them discipline and respect and helping them to withstand the scourge of social evils, such as drugs. The Bill would not affect the Constitution, provided their activities were carried out with prudence, so as not to offend fellow Singaporeans of different faith. It was supported by all the major religious groups as coming none too soon.

23. Mr. GARRETON (Chile) said that, under the authoritarian régime that had followed the 1973 coup in Chile, a massive human-rights movement had emerged, inspired initially by the churches, which had gradually influenced the whole political and social movement and had culminated many years later in the restoration of Chile's civic traditions.

24. During those years, democratic Chileans had welcomed the invaluable moral support given by the resolutions of the General Assembly, in particular the Third

(Mr. Garreton, Chile)

Committee, and had been impressed by the faithful reporting of the special rapporteurs appointed by the Commission on Human Rights, on the grievous situation in Chile - forced executions, disappeared prisoners, torture, forced exile and total lack of political freedom. The Government and people of Chile wished him to convey their thanks to the United Nations for its constant support and its contribution to the restoration of democracy.

25. Today, under a government elected by the people, Chile was regaining its democracy. The existing Constitution of 1980 had little in common with Chile's democratic tradition and the Government was introducing the necessary changes to reflect the will of the people. The 1988 plebiscite had brought about a constitutional reform under which the exercise of national sovereignty embraced respect for basic human rights and the duty of the State to promote and protect the human rights proclaimed in the Constitution and in the international covenants ratified by Chile, those ratifications still being in force. Thus, since 1989, the obligation to respect human rights undertaken in the international treaties had been automatically incorporated into Chile's laws and Constitution.

26. One of the most serious tasks that the Government had inherited was the painful problem of human-rights violations committed under the past régime. There were laws and regulations which had allowed many of those violations to go unpunished and which could not legally be repealed. In order to deal with the problem fairly and responsibly, the President had established a National Commission for Truth and Reconciliation whose main object was the speedy investigation of the most serious human-rights violations. The Chilean people knew what had really happened and what had been concealed for nearly 17 years. The Commission's activities would complement those of the courts of justice and it would have to report to the courts any crimes that it knew of. For example, the recently discovered pits full of bodies were currently being investigated by the criminal courts.

27. The Commission was composed of personalities of all schools of thought and persons well versed in human rights. Its creation had been supported by the victims of some of the worst atrocities in Chile's history, and their families as well as by the political victims of human-rights violations. One of the Commission's important tasks would be to draw up a policy designed not only to compensate victims but also to make it clear that such suffering would never again be inflicted in Chile.

28. Several bills were currently before Parliament providing for the freeing of political prisoners. A proposal had been submitted to Parliament for the repeal of all laws against legitimate political activity and the amendment of legal regulations which had permitted serious miscarriages of justice in respect of political offences. Military courts would never again be permitted to judge civilians. A bill on repeal of the death sentence had been approved by the Chamber of Deputies and was now being considered by the higher legislative authorities.

29. Before the break in its democratic tradition, Chile had been active in the promotion of human rights, at both the world and the regional level. The present

(Mr. Garreton, Chile)

Government had ratified the Optional Protocol to the International Covenant on Civil and Political Rights and had made the declaration under article 41 recognizing the competence of the Human Rights Committee to receive communications from other States parties on possible human-rights violations in Chile. It had also ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and recognized the competence of the Committee on Torture under article 20 of that instrument. It had ratified the Convention on the Rights of the Child, and was in the process of ratifying Protocols I and II to the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War.

30. Ms. VASSILIOU (Greece), referring to item 89, noted that, pursuant to Commission on Human Rights resolution 1990/25, a report had been submitted to the Economic and Social Council on financing and staffing resources for the Centre for Human Rights, pointing out that resources had failed to keep pace with the increased work-load and responsibilities of the Centre, and that the Council, in resolution 1990/47, had requested the Secretary-General to submit to the General Assembly at its forty-fifth session a brief report on actions to be taken in the current biennium as interim solutions of those problems. She also noted from document A/45/707, paragraph 5, that a brief report by the Secretary-General would be submitted to the General Assembly under item 12.

31. Since Greece had been the main sponsor of Council resolution 1990/47 and would be the main sponsor of the follow-up resolution at the current General Assembly session, her delegation was concerned because the delay in issuing the brief report would leave insufficient time to prepare the relevant draft resolution. The issue of human rights deserved high priority, and the need for additional staffing and other resources for the Centre for Human Rights was a matter of the utmost urgency, so that the Centre could fulfil the mandates entrusted to it. She urged the Secretariat to make every effort to submit the report while the Committee was still discussing item 89.

32. Mr. HEIJDEN (Netherlands) endorsed the comments of the representative of Greece.

33. The CHAIRMAN said that she would convey those comments to the Secretariat.

The meeting rose at 12.05 p.m.